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 VIAVIEW, INC.

VIAVIEW, INC.

Plaintiff,

vs.

ERIC S. CHANSON; KEVIN C. BOLLAERT;  
 CODY ALVIAR; ROY E. CHANSON; AMY L.  
 CHANSON; and BLUE MIST MEDIA, LLC,

Defendants.

Case No. 2:12-cv-01657-GMN-GWF

**DEFAULT JUDGMENT**

Plaintiff ViaView, Inc., having filed a Motion for Entry of Default Judgment against Defendants Blue Mist Media, Eric S. Chanson, Kevin Bollaert, Roy E. Chanson, and Amy L. Chanson pursuant to Rule 55 of the Federal Rules of Civil Procedure; the Defendants having failed to respond to, or answer, Plaintiff's Complaint previously served upon Defendants; the Clerk of the Court having entered Default against Defendants on March 5, 2013; this Court having now given due consideration to Plaintiff's Motion for such judgment as well as papers, pleadings, and exhibits offered in support thereof; and the Court being further fully advised in the matter and there having been no appearance made by Defendants, it is therefore,

ORDERED, ADJUDGED and DECREED that Judgment be entered in favor of Plaintiff VIAVIEW, INC., and against Defendants Blue Mist Media, Eric S. Chanson, Kevin Bollaert, Roy E. Chanson, and Amy L. Chanson, on all counts of Plaintiffs' Complaint; and, it is further ordered and adjudged that said Judgment shall include the following specific findings of fact and award of specific relief:

- a. Plaintiff VIaView is the owner of the ISANYONEUP trademark and variations thereof used in relation to various services as identified in the Complaint;
- b. Defendants registered, trafficked in, and used the Infringing Domain Names <isanyoneup.net>, <isanyoneupvideos.com>, and <isanyoneupnudes.com> with the bad faith intent to profit from their use of Plaintiff's mark;
- c. Defendants Blue Mist, Eric Chanson, and Kevin Bollaert used the Infringing Domain Names to solicit and post naked pictures and videos of persons who were photographed without their consent or permission;
- d. Defendants used the Infringing Domain Names in a manner similar to Plaintiff's predecessor-in-interest;
- e. Defendants' use of the term ISANYONEUP in connection with its services is likely to cause confusion as to the source and origin of Defendants' services;
- f. Defendants' use of the term ISANYONEUP in connection with its services has and is likely to continue to cause confusion with Plaintiff's ISANYONEUP mark;
- g. Should Defendants' use of Plaintiff's ISANYONEUP mark continue, Plaintiff will continue to suffer irreparable injury to its good will and reputation and for which an award of damages would be inadequate.
- h. Defendants acted willfully in their infringement of Plaintiff's ISANYONEUP trademark.
- i. Defendants entered into a valid contract with Plaintiff to discontinue use of Plaintiff's ISANYONEUP mark and later breached that contract;
- j. Defendants Roy Chanson and Amy Chanson intentionally interfered with Plaintiff's contractual relations with Defendants Eric Chanson, Kevin Bollaert, Cody Alviar, and Blue Mist, causing damages to Plaintiff;
- k. Defendants, through their overt, concerted acts, caused damage to Plaintiff's good will and reputation through the infringing use of the ISANYONEUP mark;
- l. Defendants are liable for their infringement, unfair competition, cybersquatting, breach of contract, civil conspiracy, and intentional interference with contractual relations.

1           THEREFORE, IT IS HEREBY ORDERED that Defendants Blue Mist Media, Eric S.  
2           Chanson, Kevin Bollaert, Roy E. Chanson, and Amy L. Chanson, their respective officers, agents,  
3           servants, employees, and/or all persons acting in concert with them, are prohibited (1) from using  
4           Plaintiff's trademarks or confusingly similar variations thereof, alone or in combination with any  
5           other letters, words, letter strings, phrases, or designs, in commerce or in connection with any  
6           business or for any other purpose (including, but not limited to, on web sites and in domain names);  
7           and (2) from registering, owning, leasing, selling or trafficking in any domain name containing  
8           Plaintiff's marks or confusingly similar variations thereof, alone or in combination with any other  
9           letters, words, phrases, or designs;

10           IT IS FURTHER ORDERED that the current registrar and registry of the <isanyoneup.net>,  
11           <isanyoneupvideos.com>, and <isanyoneupnudes.com> domain names shall immediately unlock  
12           and permanently transfer the <isanyoneup.net>, <isanyoneupvideos.com>, and  
13           <isanyoneupnudes.com> domain names to Plaintiff and in the case of the noncompliance that the  
14           corresponding registry, Verisign, PIR, and Neulevel, shall be required under 15 U.S.C. §  
15           1125(d)(2)(D)(i) to change the registrar of record for the domain names <isanyoneup.net>,  
16           <isanyoneupvideos.com>, and <isanyoneupnudes.com> to GoDaddy, which will subsequently  
17           permanently transfer <isanyoneup.net>, <isanyoneupvideos.com>, and <isanyoneupnudes.com>  
18           domain names to Plaintiff;

19           IT IS FURTHER ORDERED that Defendants pay Plaintiff \$1,000 in nominal damages for  
20           corrective advertising;

21           IT IS FURTHER ORDERED that Defendants pay Plaintiff statutory damages of \$100,000  
22           per domain name, for a total of \$300,000;

23           IT IS FURTHER ORDERED that Defendants pay Plaintiff's attorneys' fees and costs in the  
24           amount of \$29,473.75;

25           IT IS FURTHER ORDERED that Plaintiffs' cash deposit of Three Hundred Dollars  
26           (\$300.00) for the three domain names be released from the Registry Account of this Court and  
27           returned to Randazza Legal Group.

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1 IT IS FURTHER ORDERED that jurisdiction of this case shall be retained by this Court for  
2 the purpose of enforcement of this Judgment.

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5 Gloria M. Navarro  
6 United States District Judge

**DATED: 04/22/2013**

7 Submitted by:

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